

REMARKS

The Office Action mailed November 26, 2008, (hereinafter "Office Action") provisionally rejected pending Claims 7-12 and 32-35 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-5 and 10-27 of applicant's copending Application No. 10/845016. Applicant has submitted a terminal disclaimer herewith. Accordingly, applicant respectfully requests withdrawal of the rejection.

The Office Action also rejected Claims 7-12 and 32-35 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention. To expedite prosecution of the present application, Claims 7-12 and 32-35 have been amended to clarify, replace, or delete the language giving rise to the rejections. Accordingly, withdrawal of the rejections is respectfully requested.

The Examiner further requested that all correspondence received from the European Patent Office for applicant's co-pending Application No. EP 03772169.3, filed July 30, 2003, be submitted for the Examiner's review. The Examination Reports not yet submitted are enclosed herewith in a Supplemental Information Disclosure Statement. Please note that all references that have been cited by the European Patent Office have been cited in previous Information Disclosure Statements for the Examiner's review.

The Examiner also requested that a brief explanation of JP 07300702 (D3) be provided, as well as a discussion of the relevance of D3 and why it does not teach or suggest all the claim limitations. Referring to Figures 1 and 3 of D3 as well as the Abstract, D3 discloses a breast pad that is formed by laminating a liquid absorbing member A to a waterproofing member. D3 does not teach or suggest a pad that has a three-dimensionally dome shaped body, as recited in the claims.

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Based on the foregoing, applicant respectfully submits that the claim amendments overcome all the rejections set forth in the Office Action. Accordingly, withdrawal of the rejections and allowance of Claims 7-12 and 32-35 is respectfully requested.

The Examiner is invited to telephone the undersigned with any remaining questions or concerns.

Respectfully submitted,

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